

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KARECIO EATMON,

Petitioner,

CASE NO. 08-13121

v.

Hon. Lawrence P. Zatkoff

THOMAS BELL,

Respondent,

**OPINION AND ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION
AND ORDERING THAT PETITIONER'S APPLICATION BE
HELD IN ABEYANCE AND STAYING THE PROCEEDINGS**

Petitioner, a State of Michigan prisoner proceeding *pro se*, filed an application for the writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his 2006 plea-based state court convictions for assault with intent to commit murder and various firearms offenses. This matter is currently before the Court on Magistrate Judge Paul J. Komives' Report and Recommendation (Docket #19), wherein the Magistrate Judge recommends that this Court grant Petitioner's motion to hold his habeas application in abeyance and stay the proceedings while Petitioner exhausts his state court remedies. No timely objections to the Report and Recommendation were filed.

After a thorough review of the court file and the Report and Recommendation, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court. The Court will, however, briefly addresses Petitioner's objections.

Therefore, for the reasons stated above, the Court hereby GRANTS Petitioner's motion to hold his habeas application in abeyance and stay the proceedings (Docket #18) while Petitioner exhausts his state court remedies. Accordingly, the Court hereby ORDERS that Petitioner's habeas application be held in abeyance and hereby STAYS THE PROCEEDINGS IN THIS COURT.

In addition, the Court hereby ORDERS that:

1. Petitioner commence state court proceedings on his unexhausted claims within 30 days of the date of this Opinion and Order; and
2. Petitioner return to this Court and seek a lift of the stay within 30 days of the conclusion of the state court proceedings.

Finally, in reviewing the docket in this matter, the Court noted that Respondent filed a motion for extension of time to file a response to Petitioner's habeas application (Docket #11) that has never been addressed. Petitioner filed a response to Respondent's motion, asking the Court to deny the motion. Respondent filed a response brief to Petitioner's habeas application within the time Respondent requested. For the reasons stated in Respondent's motion and brief, and because Petitioner will not be prejudiced by the extension of time (especially in light of the stay he has now requested), the Court ORDERS that Respondent's motion for extension of time (Docket #11) is GRANTED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: March 28, 2012

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 28, 2012.

S/Marie E. Verlinde
Case Manager
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